

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MICHAEL HOLMBERG,

Plaintiff,

V.

DEPARTMENT OF CORRECTIONS OF
WASHINGTON.

Defendant.

CASE NO. 3:15-CV-05374-RJB-JRC

ORDER DENYING MOTION TO
COMPEL

This matter has been referred to United States Magistrate Judge J. Richard Creatura pursuant to 28 U.S.C. § 636(b)(1), Local Rules MJR 3 and 4, and Rule 72 of the Federal Rules of Civil Procedure.

Before the Court is plaintiff's motion to compel. Dkt. 10. The undersigned finds that resolving discovery issues at this point is premature and thus, plaintiff's motion is denied without prejudice.

In his complaint, plaintiff alleges that his First Amendment rights were violated when defendant Roiko retaliated against him for attempting to mail discovery documents. Dkt. 4-1.

1 Plaintiff seeks to compel defendants to produce documents related to other court cases. Dkt. 10.
2 A report and recommendation on defendants' motion for judgment on the pleadings is currently
3 pending. Dkt. 16. The undersigned recommended that defendants' motion for judgment on the
4 pleadings be denied as to plaintiff's retaliation claim and that plaintiff be granted leave to amend
5 his claims against defendants Glebe and Warner and any state law claims. *See id.* However,
6 District Judge Bryan has not yet entered an order.

7 Based on the record, resolving discovery issues at this point is premature. Accordingly,
8 plaintiff's motion (Dkt. 10) is denied without prejudice to refiling after dispositive motions have
9 been considered.

10 Dated this 28th day of December, 2015.

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12 J. Richard Creatura
13 United States Magistrate Judge
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